

12/5/12

**Draft State Board of Education HB6004/SB1358 "EAA Legislation"
Recommendations**

The Education Achievement Authority (EAA) was established to run schools in a state-wide district in order to raise the achievement of low-performing students and turn around persistently underachieving schools. It was established through an Interlocal Agreement between the Board of Regents of Eastern Michigan University and the School District for the City of Detroit. SB1358 and HB 6004 seek to codify the role and the work of the EAA within a new section of the Revised School Code Part 7C. The State Board of Education wants to see an EAA designed and focused to successfully execute its mission. The following are recommendations concerning how these bills should be modified towards this end.

✓ **Clarify the legislation's powers for new school authorization to be consistent with the focused work of the EAA to turnaround underperforming schools.** The EAA was established to "assume operation of the lowest 5 percent of performing schools in the State of Michigan that are not achieving satisfactory results on a redesign plan or that are under an Emergency Manager." The proposed legislation opens the EAA up to include schools outside of the bottom 5 percent, and in conjunction with HB5923, could be interpreted to give the EAA authority to create their own schools, take over local public education buildings and make them available for other charter authorizers, and authorize unlimited charter schools anywhere in the state. The EAA, if it is given power to authorize, should be only authorized to replace or turnaround schools in the bottom 5% that have come under its authority. Any language that gives the EAA the authority to move beyond its original purpose should be stricken from the legislation, for example, Section 3 (2): Achievement School means a public school operated, authorized, established, or overseen by the achievement authority, "including but not limited to" a public school under the achievement authority under section 1280c.

✓ **Eliminate language regarding facilities that has nothing to do with the EAA and its school turnaround focus:** Since the EAA is designed to work with already existing persistently underperforming schools, there is no need in this legislation for language regarding facilities. Any legislation to create opportunities for other charter authorizers and new schools to use existing school facilities should be dealt with in appropriate legislation.

Require the EAA to be part of common state-wide accountability, assessment and teacher evaluation systems

Currently, both House Bill 6004 and Senate Bill 1358 contain language that exempts EAA schools from certain portions of Michigan school code. This would provide, essentially, an opt-out of state assessments for the EAA, in addition to an opt out of the state's accountability system and proposed state-wide growth model data system ~~for now~~ under development by the Michigan Council for Educator Effectiveness. Parents need comparable information on school quality and accountability among all schools, including the EAA, and to avoid comparable assessments risks loss of \$500 million of Title I dollars through non-compliance with federal assessments.

Appropriately align the role of the EAA with other Constitutional bodies as the state's turnaround district for underperforming schools.

Proposed legislation creates the EAA as new branch of government under direct Gubernatorial control. Legislation should be modified to:

- Affirm the district falls under the "leadership and general supervision" of the State Board of Education per Michigan's Constitution
- Retain the function of the Reform/Redesign Officer as appointed by the Superintendent of Public Instruction.
- Maintain Reform/Redesign Officer discretion in assignment of schools to the EAA, to accommodate under-performing schools that may show considerable growth and progress in their turnaround
- Broaden EAA Board governance. Legislation allows the Governor to appoint all 7 members with consent of the Senate (and two chosen from recommendations from the Leg leaders). The EAA would benefit from broader ownership of the state-wide reform district through appointments made by Governor, Legislature and State Board of Education.

Clarify Requirements for Transfer Into and Out of the EAA. As written, schools can opt to stay in the EAA, but there is no clear understanding of what criteria allows a school to leave the EAA. Under this legislation, it is up to the Chancellor alone to decide when a school is eligible to return to self-governance.

Eliminate additional common language, references and explicit or implied connections to HB 5923, which creates new forms of schools.

SBE recommends removal of any reference to, or common language linked to new school enabling legislation, which must be considered on its own merits, including:

- The aforementioned EAA authorizing powers, and facilities language;
- Language that describes the purpose of the EAA legislation: "To expand the number and types of public entities permitted to operate, manage authorize, establish and oversee public schools." (p.10 6004);
- And language repeated from HB 5923 allowing adjunct instructors to teach in EAA schools (P. 23 6004)

Set minimal quality standards for new schools created or authorized by the EAA. All new schools, and particularly those designed to replace or reboot chronically underperforming schools should be expected to meet an "as good or better" test to the schools they replace. The EAA legislation should include clear criteria and expectations for any new school operators and turnaround models that they have a credible expectation to deliver improved educational quality, and should prevent school operators with poor track records of performance from operating new schools.